

Stauffer, Panah

From: Estrada, Fabiola
Sent: Thursday, March 16, 2017 4:01 PM
To: Stauffer, Panah
Subject: RE: A few quick questions for you on Thursday
Attachments: Draft Agenda and Talkers for 3.27.17 DPR Meeting.docx (b)(5)- deliberative process

Hola!

Looks good. I answered your questions in the comment bubbles. J

If Eric is doing the ENF talking points, I think it would be appropriate for Patti to do LND's. But I'll ask her next week. She's out tomorrow. There are only a couple, so she might want me to do part of the talking. We can decided on Monday.

Let me know if you have any questions.

Fabiola Estrada
Pesticides Office (LND-2-2)
US EPA, Region 9
75 Hawthorne Street
San Francisco, CA 94105
(415) 972-3493

<https://www.epa.gov/pesticide-worker-safety>
<https://www.epa.gov/managing-pests-schools>

From: Stauffer, Panah
Sent: Wednesday, March 15, 2017 2:56 PM
To: Estrada, Fabiola
Subject: A few quick questions for you on Thursday

Hi Fabiola,

I've drafted the attached talking points to go over on Monday. I used blue text for the talking points that Land would say. I added a few comment bubbles with questions for you. Can you take a look on Thursday when you are back in the office? After that, I'll send it around for everyone to read before our Monday meeting.

I am going to ask Eric to do all the Enforcement talking points. Do you think Patti should say all the Land talking points?

Thanks a lot!
Panah

Stauffer, Panah

From: Stauffer, Panah
Sent: Thursday, March 16, 2017 4:44 PM
To: Estrada, Fabiola; TenBrook, Patti; Taylor, Katherine; Magnan, Eric; Berg, Elizabeth
Subject: RE: Prep for March 27th DPR Meeting
Attachments: Draft Agenda and Talkers for 3.27.17 DPR Meeting.docx **(b)(5)- deliberative process**

Hi All,

Here are the draft talkers for review on Monday. Black text is for ENF and blue text is for LND.

Best,
Panah

Panah Stauffer
Enforcement Division (ENF 3-3)
US EPA Region 9
75 Hawthorne Street
San Francisco, CA 94105
415-972-3247

-----Original Appointment-----

From: Stauffer, Panah
Sent: Wednesday, March 08, 2017 3:50 PM
To: Stauffer, Panah; Estrada, Fabiola; TenBrook, Patti; Taylor, Katherine; Magnan, Eric; Berg, Elizabeth
Subject: Prep for March 27th DPR Meeting
When: Monday, March 20, 2017 2:00 PM-3:00 PM (UTC-08:00) Pacific Time (US & Canada).
Where: R9SF-Room-14324-8-TuolumneRiver

Stauffer, Panah

From: Estrada, Fabiola
Sent: Monday, March 20, 2017 2:49 PM
To: Stauffer, Panah
Subject: RE: Draft Agenda and Talkers for 3.27.17 DPR Meeting- Revised.docx
Attachments: Draft Agenda and Talkers for 3.27.17 DPR Meeting- Revised.docx

**(b)(5)-
deliberative
process**

Okay, I changed it a little. Instead of getting into the conversation of shortening the timeframe for their submittal of the EOY, instead we can focus on their submittal of the draft EOY. That's the document we use for our EOY meeting. Sometimes we won't have the meeting until September, or October and DPR will send us their draft report two or one week in advance.

I also added the piece about the 30 days they currently have to submit a response to our draft EOY. Patti is talking to the other grantees about making it two weeks instead of 30 days for them to respond. If they don't respond within that timeframe, our draft is considered final.

Let me know if you have any questions.

Fabiola Estrada
Pesticides Office (LND-2-2)
US EPA, Region 9
75 Hawthorne Street
San Francisco, CA 94105
(415) 972-3493

<https://www.epa.gov/pesticide-worker-safety>
<https://www.epa.gov/managing-pests-schools>

From: Stauffer, Panah
Sent: Monday, March 20, 2017 2:25 PM
To: Estrada, Fabiola
Subject: Draft Agenda and Talkers for 3.27.17 DPR Meeting- Revised.docx

Stauffer, Panah

From: Stauffer, Panah
Sent: Tuesday, March 21, 2017 8:34 AM
To: Magnan, Eric; Berg, Elizabeth; TenBrook, Patti; Taylor, Katherine; Estrada, Fabiola
Subject: Docs for Quarterly Meeting with DPR Enforcement Branch
Attachments: Tri-Cal NOPA.pdf; ParamountFarmingWV NOPA.pdf; Draft Agenda and Talkers for 3.27.17 DPR Meeting- Revised.docx
(b)(5)- deliberative process

Hi All,

Attached are the documents we discussed yesterday:

1. Revised draft talking points (black is ENF, blue is LND)
2. The NOPA for priority episode 91-FRE-14
3. The NOPA from last year for the Paramount Farming case where the solar construction workers were drifted upon

[REDACTED]
(b)(7)(A)

Best,
Panah

Panah Stauffer
Enforcement Division (ENF 3-3)
US EPA Region 9
75 Hawthorne Street
San Francisco, CA 94105
415-972-3247

From: Magnan, Eric
Sent: Wednesday, March 01, 2017 11:01 AM
To: Stauffer, Panah <Stauffer.Panah@epa.gov>
Subject: FW: Quarterly Meeting with EPA and DPR

Panah,

[REDACTED]
(b)(7)(A)

Eric Magnan, P.E.
Pesticides Team Leader
Enforcement Division
U.S. EPA Region 9
75 Hawthorne Street, ENF-3-3
San Francisco, CA 94105
415.947.4179
magnan.eric@epa.gov

From: Benson, Scott@CDPR [<mailto:Scott.Benson@cdpr.ca.gov>]
Sent: Wednesday, March 1, 2017 10:19 AM
To: Magnan, Eric <Magnan.Eric@epa.gov>
Subject: RE: Quarterly Meeting with EPA and DPR

Good morning Eric,

I checked with DPR staff and Monday, March 27 will work best for us. Let me know if that is still a good time for EPA staff.

Attached is the NOPA for priority 91-FRE-14. Tri-Cal did request a hearing which is scheduled for March 22.

[REDACTED]
(b)(7)(A)

Lastly, do you know who from EPA will be attending the meeting? Thanks.

Scott

From: Magnan, Eric [<mailto:Magnan.Eric@epa.gov>]
Sent: Friday, February 24, 2017 6:06 PM
To: Benson, Scott@CDPR
Cc: Sarracino, Regina@CDPR; Ogawa, Joshua@CDPR; Marciano, Donna@CDPR
Subject: Quarterly Meeting with EPA and DPR

Hi Scott,

Regina and I spoke earlier this week about holding an EPA/DPR quarterly meeting at the end of March. Your team took the time and effort to meet us in San Francisco at our EOY, so we're planning to travel to your office in Sacramento for the meeting.

I think a late morning meeting from 10am – noon will work best. I listed a few dates appear to work for most of the team here at EPA. Please let me know what date or dates work best for folks on your end.


Friday, March 24
Monday, March 27
Thursday March 30
Friday, March 31

A tentative agenda is below. Please feel free provide input and add any items that you would like to discuss. This meeting is a chance for us to share information.

Tentative Agenda

1. Update on Recent DPR Reorganization
2. How to get feedback following the WPS workshops from inspectors in California to understand WPS implementation issues.
3. Discuss High Level Episodes to better understand the enforcement process

For the last agenda item relating to high level episodes, please provide the following information prior to the meeting:

1. Closing Report 91-FRE-14 (attached): The closing report for 91-FRE-14 says, "On September 30, 2016, Fresno County Agricultural Commissioner's office issued an Agricultural Civil Penalty... to Tri-Cal in the amount of \$73,000" Can you send us the NOPA? Was the Order and Stipulation signed, or was a hearing requested?
2. 
(b)(7)(A)

Learning about how you handle these issues is helpful in part because we're dealing with similar issues. We'll send the specific things we want to talk about related to these HLEs after we have a chance to look at the information you provide prior to the meeting.

Lastly, Panah and I are interested in doing ride along farmworker WPS inspections in Monterey County. It's a good training opportunity for me, as I'm working to get my FIFRA federal credential. How should we move forward to set this up?

Thanks,

Eric

Eric Magnan, P.E.
Pesticides Team Leader
Enforcement Division
U.S. EPA Region 9
75 Hawthorne Street, ENF-3-3
San Francisco, CA 94105
415.947.4179
magnan.eric@epa.gov

From: Crawford, Sizzy@CDPR
To: [Estrada, Fabiola](#)
Cc: [Stauffer, Panah](#)
Subject: FW: Draft FY16 End of Year Report - narrative and template
Date: Thursday, June 08, 2017 3:10:33 PM
Attachments: [DPR FY 16 EOY Report EPA Comments DPR Response.xlsx](#)

Hi Fabiola,

It was so nice talking to you as always!

Attached is the final report with DPRs comments.

Sizzy

From: Palmer-Townsend, Marilyn@CDPR On Behalf Of Farnsworth, George@CDPR
Sent: Tuesday, June 06, 2017 2:01 PM
To: Estrada, Fabiola@EPA
Cc: Crawford, Sizzy@CDPR; Armour, Elizabeth; TenBrook, Patti; Magnan, Eric@EPA; Stauffer, Panah; Berg, Elizabeth; Severns, Anise@CDPR; Taylor, Katherine; Palmer-Townsend, Marilyn@CDPR
Subject: RE: Draft FY16 End of Year Report - narrative and template

Fabiola,

This is in regard to DPR's comments related to the End of Year Report for the 2015/2016 (FY16) Performance Partnership grant between the U.S. EPA and DPR. Attached is the EOY (FY16) Work Plan Template indicating DPR comments listed in the purple tab titled "DPR Responses". In this tab, DPR commented on three of EPA's comments in the work plan:

1. **Activity # 01.00.03.01** – DPR's response: The Enforcement Branch modified the Work Plan Activity Accomplishment Description (in the Work Plan Tab) by adding ENF Branch meetings with Region 9.
2. **Activity # 06.01.04.0** - DPR's response: While the Enforcement and Environmental Monitoring Branches are currently conducting a pyrethroid surface water project (discussed under 06.02.01.0), including details on this project as accomplishments of activity 06.01.04.0 are not in line with DPR's negotiated activities (i.e. outputs) for this line item which are attending and presenting at Western Region Pesticide and SFIREG EQI Working Committee meetings.
3. **Activity # 17.02.01.1** - DPR's response: DPR revised the accomplishment to better match the negotiated outputs. PML worked with the Enforcement Branch to summarize the "Top 15 Pesticide Use Violations of 2015." Enforcement presented on these violations at PML's March 9, 2016 Agricultural Pest Control Advisory Committee meeting in front of representatives of each of DPR's various types of pest control licenses. The representatives were tasked with sharing the information to their colleagues and professional associations, as well at CE courses they attend or present at.

DPR would like to express appreciation to EPA for the two discretionary/supplemental funding projects, (California Poison Control System (CPCS) and Imperial County Pesticide Disposal Project). The CPCS project provided the necessary funding to facilitate an increase in the reporting of pesticide illnesses. The Imperial County Pesticide Disposal Project was beneficial to growers, the community and environment by removing old and unwanted agricultural pesticides from growers sheds and storage areas.

As always, we look forward to the cooperative working relationship between DPR and U.S. EPA. If you have any questions regarding our comments, please contact me.

Regards,

George Farnsworth
916-445-3984

From: Estrada, Fabiola [<mailto:Estrada.Fabiola@epa.gov>]
Sent: Thursday, April 20, 2017 12:19 PM
To: Farnsworth, George@CDPR
Cc: Crawford, Sizzy@CDPR; Armour, Elizabeth; TenBrook, Patti; Magnan, Eric@EPA; Stauffer, Panah; Berg, Elizabeth; Severns, Anise@CDPR; Taylor, Katherine
Subject: RE: Draft FY16 End of Year Report - narrative and template

Good morning afternoon George,

Attached is the draft EOY report for the 2015/2016 Fiscal Year.

Please note that I have also attached the template to this e-mail. The narrative is in PDF and will not provide access to the embedded excel file on the last page.

Let me know if you have any questions.

Thank you,

Fabiola Estrada, MS
Life Scientist, Project Officer
School IPM Coordinator
Pesticides Office (LND-2-2)
US EPA, Region 9
75 Hawthorne Street
San Francisco, CA 94105
estrada.fabiola@epa.gov
Phone (415) 972-3493
Fax (415) 947-3530

<https://www.epa.gov/pesticide-worker-safety>
<https://www.epa.gov/managing-pests-schools>

Rulemaking and Enforcement Letters 2015/2016 Fiscal Year

Following is a list of rulemaking activities and enforcement letters published during the 2015/16 fiscal year.

Rulemaking Activities

Proposed Regulations in the *California Regulatory Notice Register*:

- **DPR 16-001 – Worker Protection Standard** – DPR proposes to adopt section 6722; and to amend sections 6000, 6618, 6619, 6720, 6723, 6723.1, 6724, 6726, 6732, 6734, 6738.3, 6738.4, 6744, 6761, 6761.1, 6762, 6764, 6766, 6768, 6769, 6770, 6771, 6776, and 6782 of Title 3, California Code of Regulations. This proposed action would amend existing worker safety regulations to align them with the newly revised federal Worker Protection Standard regulations (Title 40 Code of Federal Regulations, Part 170) that become effective January 2, 2017. The proposed action revises requirements for training, notification, pesticide safety and hazard communication information, use of personal protective equipment, and emergency decontamination when using a pesticide for the commercial or research production of an agricultural commodity. Date noticed: 4/22/16. Comment period: 4/22/16 – 6/6/16.
- **DPR 16-002 – Sales of Agricultural and Restricted Use Pesticides** – DPR proposes to adopt section 6302 and amend section 6414 of Title 3 California Code of Regulations (3 CCR). The proposed regulation is intended to set forth in one section within 3 CCR the prohibitions on the sale of agricultural and restricted material pesticides that require these pesticides be distributed only through licensed entities and be sold only to end users by licensed pest control dealers. Date noticed: 6/17/16. Comment period: 6/17/16 – 8/1/16.

Recently Adopted Regulations (July 1, 2015 – June 30, 2016):

- **DPR 14-002 – Designating Chlorpyrifos as a Restricted Material** – DPR amended section 6400(e) of Title 3, California Code of Regulations. This action designates the active ingredient chlorpyrifos as a state-restricted material when labeled for the production of an agricultural commodity. Date noticed: 9/26/14. Comment period: 9/26/14 – 11/12/14. Filed with Secretary of State 5/6/15. Effective date 7/1/15.
- **DPR 14-003 – Personal Protective Equipment** – DPR amended sections 6000, 6702, 6720, 6724, 6738, 6739, 6764, 6771, 6793, and 6795; adopted sections 6738.1, 6738.2, 6738.3, and 6738.4; and repealed sections 6486.7 and 6736 of Title 3 California Code of Regulations. This action clarifies the personal protective equipment requirements, reducing ambiguity, and reorganizes the regulatory requirements in a more logical, cohesive format. Requirements for protective eyewear are now consistent with a nationally recognized consensus standard, and the hand protection requirements are in alignment with U.S. EPA guidelines. Date noticed: 11/21/14. Comment period: 11/21/14 – 1/5/15. Filed with Secretary of State 4/15/15. Effective date 7/1/15.
- **DPR 14-004 – Closed Mixing Systems** – DPR amended sections 6000, 6188, 6742, 6746, and 6793 of Title 3, California Code of Regulations. This regulatory action requires a tiered

mitigation scheme to establish specific closed mixing system and personal protective equipment requirements based on a pesticide label's Human Hazards and Precautionary Statements, and amends data requirement language to be consistent with the proposed amendments to section 6746. Date noticed: 12/26/14. Comment period 12/26/14 – 2/25/15. Filed with Secretary of State 11/4/15. Effective date 1/1/16.

- **DPR 15-001 – Research Authorizations** – DPR amended sections 6260, 6262, 6264, and 6266 of Title 3, California Code of Regulations. This action clarifies the information required on the research authorization application and reporting forms, and revises the notification requirements. DPR is incorporating by reference the following application forms: Pesticide Research Authorization (PR-REG-027a, Est. 4/15), Pesticide Research Authorization (Additional Pesticides) (PR-REG-027b, Est. 4/15), Experimental Trial Report (PR-REG-029, Est. 4/15), Experimental Pesticide Use Report (PR-REG-028a, Est. 4/15), and Experimental Pesticide Use Report (Continued) (PR-REG-028b, Est. 4/15). Date noticed: 7/10/15. Comment Period: 7/10/15 – 8/24/15. Filed with Secretary of State 11/18/14. Effective date 1/1/16.
- **DPR 15-002 – Field Fumigant Use Requirements** – DPR amended sections 6000, 6445, 6447, 6447.2, 6447.3, 6448.1, 6449.1, 6450.1, 6452, 6452.2, and 6784 of Title 3, California Code of Regulations. This action adds and revises existing field fumigation methods in the Sacramento Metro, San Joaquin Valley, South Coast, Southeast Desert, and Ventura ozone nonattainment areas when using methyl bromide, 1,3-Dichloropropene (1,3-D), chloropicrin, metam-sodium, and potassium N-methyldithiocarbamate (metam-potassium), and makes changes to be consistent with product labeling. Date noticed: 8/7/15. Comment period: 8/7/15 – 9/23/15. 15-day comment period: 11/4/15 – 11/19/15. Filed with Secretary of State: 2/17/16. Effective date: 4/1/16.

Emergency Regulations

An emergency regulation is a regulation that is necessary for the immediate preservation of public peace, health and safety, and may become effective before any public notice and hearing. Emergency regulations remain in effect for a 180-day period.

- There are no emergency regulations currently in effect.

Rulemaking Calendar:

- Pesticide Use Near Schoolsites – DPR is proposing to adopt 3 CCR sections 6690, 6691, 6692 and 6693.
- Worker Protection Standards (WPS) Alignment with Federal WPS – DPR is proposing to modify various sections of 3 CCR.
- Maximum Allowable Leach Rates for Copper Antifouling Paints – DPR is proposing to adopt 3 CCR section 6174.
- Soil Fumigants Notification – DPR is proposing to modify 3 CCR, section to be determined.

- Instructor Training Programs for Trainers of Pesticide Handlers and Field Workers – DPR is proposing to modify 3 CCR sections 6724 and 6764.
- Sales of Agricultural Use Pesticide to Brokers – DPR is proposing to adopt 3 CCR section 6302.
- Rebuttable Presumption Pertaining to California Pesticide Sales – DPR is proposing to adopt 3 CCR section 6385.
- Registration Regulatory Update/Clean-up – DPR is proposing to modify various sections of 3 CCR.
- Limitations for Outdoor Structural Applications of Fipronil – DPR is proposing to modify 3 CCR, section to be determined.
- Volatile Organic Compounds (6) – DPR is proposing to modify 3 CCR sections 6000, 6445, 6447, 6447.2, 6447.3, 6448.1, 6449.1, 6450.1, 6452, 6452.2 and 6784.

Legislative Changes

➤ **AB 243 (Wood) Medical Marijuana**

Chaptered 10/9/15. Below is a brief summary of AB 243's provisions.

- Requires the Department of Food and Agriculture, the Department of Pesticide Regulation, the State Department of Public Health, the Department of Fish and Wildlife, and the State Water Resources Control Board to promulgate regulations or standards relating to medical marijuana and its cultivation, as specified. The bill also requires that various state agencies take specified actions to mitigate the impact that marijuana cultivation has on the environment.

➤ **AB 266 (Bonta) Medical Marijuana**

Chaptered 10/9/15. Below is a brief summary of AB 266's provisions.

- Enacts the Medical Marijuana Regulation and Safety Act for the licensure and regulation of medical marijuana and establishes within the Department of Consumer Affairs the Bureau of Medical Marijuana Regulation, under the supervision and control of the Director of Consumer Affairs. The bill requires the director to administer and enforce the provisions of the act.

➤ **SB 328 (Hueso) Landlords: Notice of Pesticide Use**

Chaptered 9/8/15. Below is a brief summary of SB 328's provisions.

- Current law requires a landlord of a residential dwelling unit to provide a new tenant with certain disclosures, including, but not limited to, specified notice from a registered structural pest control company regarding the use of pesticides at the dwelling unit if a contract for periodic pest control service has been executed. This bill, with certain exceptions, requires the landlord or the landlord's authorized agent, as defined, to provide a tenant, and, if certain conditions are met, any tenant of adjacent units, with specified notice of the use of pesticides at the dwelling unit if the landlord or authorized agent applies any pesticide without a licensed pest control operator.

➤ **SB 643 (McGuire) Medical Marijuana**

Chaptered 10/9/15. Below is a brief summary of SB 643's provisions.

- Sets forth standards for a physician and surgeon prescribing medical cannabis and requires the Medical Board of California to prioritize its investigative and prosecutorial resources to identify and discipline physicians and surgeons that have repeatedly recommended excessive cannabis to patients for medical purposes or repeatedly recommended cannabis to patients for medical purposes without a good faith examination, as specified. The bill requires the Bureau of Medical Marijuana to require an applicant to furnish a full set of fingerprints for the purposes of conducting criminal history record checks.

Enforcement Letters (Policy):

Following is a list of all enforcement letters distributed from July 1, 2015 through June 30, 2016. These letters are available on DPR's website at
<<http://cdpr.ca.gov/docs/county/cacltrs/penfltrs/penf2015/2015menu.htm>>.

- 7-1-2015 - ENF 2015-09 – Interim Recommended Permit Conditions for Chlorpyrifos Used to Produce an Agricultural Commodity: Addition to Compendium Volume 3, Restricted Material And Permitting
- 7-6-2015 - ENF 2015-10 – Revisions to Personal Protective Equipment Requirements in Title 3, California Code of Regulations
- 7-14-2015 - ENF 2015-11 – Carbon Monoxide for Burrowing Rodent Control — New Law and Updated Questions and Answers
- 8-5-2015 - ENF 2015-12 – Training Course – Personal Protective Equipment Regulatory Revisions
- 8-21-2015 - ENF 2015-13 – Updates to Volume 2, Laws and Regulations, Pesticide Use Enforcement Program Standards Compendium
- 9-17-2015 - ENF 2015-14 – Updates to Volume 2, Laws and Regulations, Pesticide Use Enforcement Program Standards Compendium
- 9-29-2015 - ENF 2015-15 – Medical Marijuana Grower Operator Identification Numbers and U.S. EPA's Position on Special Local Need Registrations for Use on Marijuana
- 11-12-2015 - ENF 2015-16 – Update to Preparing for Your Administrative Pesticide Penalty Hearing Brochure
- 11-18-2015 - ENF 2015-17 – Warning Agent Waiver Request for Structural Fumigation
- 11-18-2015 - ENF 2015-18 – Director's Decision on Appeal of a County Agricultural Commissioner Decision (Hoag Hospital, Docket Number 201)

- 12-31-2015 - ENF 2015-19 – Relocation of the Enforcement Branch, Central Regional Office, Effective December 31, 2015
- 2-18-2016 - ENF 2016-01 – Updates to Volume 2, Laws and Regulations, Compendium, Closed Systems, Research Authorizations
- 3-11-2016 - ENF 2016-02 – Structural Regulatory Training, Basic Level, Irvine
- 3-15-2016 - ENF 2016-03 – Rely 280, U.S. EPA Registration Number 264-829-ZA, Label Amendment to Revise Precautionary Statements
- 3-16-2016 - ENF 2016-04 – Structural Enforcement Reimbursement Fund
- 3-21-2016 - ENF 2016-05 – Updates to Volume 3, Restricted Materials and Permitting, Pesticides Use Enforcement Programs Standards Compendium, Appendix M: Methyl Bromide Field Fumigation Recommended Permit Conditions
- 3-24-2016 - ENF 2016-06 – Updates to Volume 3, Restricted Materials and Permitting, Pesticide Use Enforcement Program Standards Compendium, Appendix K: Chloropicrin and Chloropicrin in Combination with Other Products (Field Fumigant) Interim Recommended Permit Conditions
- 3-24-2016 - ENF 2016-07 – Revised Federal Worker Protection Standard
- 3-25-2016 - ENF 2016-08 – Forfeit 280, U.S. EPA Registration Number 34704-1080-AA, Label Amendment to Revise Precautionary Statements
- 3-30-2016 - ENF 2016-09 – Director's Decision on Appeal of a County Agricultural Commissioner Decision (Gerawan Farming, Docket Number 203)
- 4-11-2016 - ENF 2016-10 – Revised Investigative Sample Analysis Report Form DPR-ENF-030 with Updated Instructions in Compendium Volume 5, Investigation Procedures
- 4-13-2016 - ENF 2016-11 – Updates to Volume 3, Restricted Materials And Permitting, Pesticide Use Enforcement Program Standards Compendium, Including Link to Tarp List
- 4-13-2016 - ENF 2016-12 – Reckon 280SL Herbicide, U.S. EPA Registration Number 88685-2-AA-84237, Label Amendment to Revise Precautionary Statements
- 4-15-2016 - ENF 2016-13 – Director's Decision on Appeal of a County Agricultural Commissioner's Decision (Tri Cal, Inc., Docket Number 204)
- 5-25-2016 - ENF 2016-14 – Question/Answer for New Personal Protective Equipment and Closed Mixing Systems Regulations
- 6-9-2016 - ENF 2016-15 – Director's Decision on Appeal of a County Agricultural Commissioner's Decision (Davey Tree Surgery Company, Docket Number 202A)

- 6-9-2016 - ENF 2016–16 – Director’s Decision on Appeal of a County Agricultural Commissioner’s Decision (Davey Tree Surgery Company, Docket Number 202B)
- 6-9-2016 - ENF 2016–17 – Director’s Decision on Appeal of a County Agricultural Commissioner’s Decision (Davey Tree Surgery Company, Docket Number 202C)
- 6-14-2016 - ENF 2016–18 – Refer 280 SL Herbicide, U.S. EPA Registration Number 82534-4-AA-88783, Label Amendment to Revise Precautionary Statements
- 6-14-2016 - ENF 2016–19 – Recent Medical Marijuana Law and Clarifications

Stauffer, Panah

From: Magnan, Eric
Sent: Friday, April 14, 2017 2:14 PM
To: TenBrook, Patti
Cc: Estrada, Fabiola; Stauffer, Panah
Subject: RE: revised DPR's draft EOY report
Attachments: Draft DPR FY16 EOY Report January 2017 EM edits.docx; FY16 DPR EOY Cover Letter 1.18.17.docx; Draft DPR FY16 EOY Report January 2017.xlsx **(b)(5)- deliberative process**

I found it. I commented on it, but it seems those comments did not make it to you. The comments are minor and in the narrative report.

Thanks,

Eric Magnan, P.E.
Pesticides Team Leader
Enforcement Division
U.S. EPA Region 9
75 Hawthorne Street, ENF-3-3
San Francisco, CA 94105
415.947.4179
magnan.eric@epa.gov

From: TenBrook, Patti
Sent: Monday, January 23, 2017 9:04 AM
To: Magnan, Eric
Cc: Estrada, Fabiola ; Stauffer, Panah
Subject: FW: revised DPR's draft EOY report

Eric,

Attached for your review are the draft cover letter, narrative EOY, and workplan/reporting template for California DPR FY16. Fabiola and Panah worked together on this (thank you both!). The purple text comments in the spreadsheet are Panah's; they will be changed to black before sending to DPR.

This is a bigger report to review than others I've sent, so my goal for getting it back is Feb 10.

Regards,
Patti

Patti L. TenBrook, Ph.D.
Manager, Pesticides Section
Land Division
U.S. EPA Region 9, LND-2-2
75 Hawthorne St.
San Francisco, CA 94105
415-947-4223

Stauffer, Panah

From: Johnson, Kathleen
Sent: Wednesday, April 19, 2017 3:16 PM
To: Magnan, Eric
Cc: Berg, Elizabeth
Subject: Re: Urgent matter, fraudulent pesticide being sold as certified organic

Ok thx

Sent from my iPhone

On Apr 19, 2017, at 10:56 AM, Magnan, Eric <Magnan.Eric@epa.gov> wrote:

Kathleen,
Panah's looking into this. We also got a tip from the library about this issue.

[REDACTED]

(b)(5)- deliberative
process

Thanks,

Eric
Eric Magnan, P.E.
Pesticides Team Leader
Enforcement Division
U.S. EPA Region 9
75 Hawthorne Street, ENF-3-3
San Francisco, CA 94105
415.947.4179
magnan.eric@epa.gov

From: Johnson, Kathleen
Sent: Wednesday, April 19, 2017 9:25 AM
To: Magnan, Eric <Magnan.Eric@epa.gov>
Cc: Berg, Elizabeth <Berg.Elizabeth@epa.gov>
Subject: FW: Urgent matter, fraudulent pesticide being sold as certified organic

Eric,
Can you see if it makes sense for us to look into this matter? Thanks.

Kathleen H. Johnson
Director, Enforcement Division
U.S. EPA - Region 9
75 Hawthorne Street ENF-1
San Francisco, CA 94015
415/972-3873
johnson.kathleen@epa.gov

From: kmartin@gicllc.com [<mailto:kmartin@gicllc.com>]
Sent: Wednesday, April 19, 2017 8:42 AM
To: Johnson, Kathleen <Johnson.Kathleen@epa.gov>
Cc: amartin@gicllc.com
Subject: Urgent matter, fraudulent pesticide being sold as certified organic
Dear Kathleen

There is an urgent matter we wish to bring to your attention, given your position at EPA Region 9. I apologize in advance for the lengthy note, but I need to give enough context to illustrate the situation properly. It is not just important for us as a business, but even more so for the general welfare of CA consumers.

We developed an all natural, organic, plant based disinfection product that we manufacture and sell for use in a variety of ways called "Path-Away." One of these ways is for use on Medical Marijuana as a plant protectant and growth enhancer. Currently, the product is off the market as we are attempting to tweak the formula. There is a person/"company" in southern California that is marketing and selling a product called Pathogen Zero for use on Medical Cannabis, and is doing so under false pretenses based on our product information he has literally stolen from our product website. We wholly own the intellectual property and manufacturing rights to the product, he has no access to it. Essentially, he created a copycat product with no laboratory data, no certifications, and no evidence that it does what he is claiming, and is selling it right now in California. The major concern is, since he has no access to our product, who knows what he is actually selling? It could be a harmful pesticide or chemical based product that he is passing off as organic and all natural, and ending up in the plants and by extension, the bodies of end users.

He is even using the logos from our organic certifications in his marketing/sales material, when we know he does not hold these, they are all in our product's name. If asked to produce laboratory data for the kill claims he is making (including for MRSA, E.coli, TB, and 150+ other pathogens) in the Pathogen Zero name, he would not be able to do so. If asked to produce the organic certification he is claiming he has in the Pathogen Zero name, he will not be able to do so; he has none of these documents posted on his product site because they do not exist (he has one partial lab document posted on his site, and it is from testing done on our product in June 2016 with all evidence of our name cropped out).

We know all of this to be true because we actually know this person. Almost a year ago, we attempted to enter into a distribution agreement with him for our Path Away product. We had a falling out shortly after, once we found out he wanted to change the terms of the agreement, and then could not provide us with copies of a business Federal Tax ID number, liability insurance, or workers comp insurance. His company's listed address on the Pathogen Zero site is not even real, it is for an electric mountain bike store.

We understand the pending legal action we will probably take against him is not of your concern, but in your position at EPA, we feel that you must be made aware of the potential health hazards involved with this person selling an unregistered, untested, unregulated mystery product falsely claiming certified organic status, and with no actual proprietary efficacy data.

Our product website is here: www.path-away.com

The fraudulent copycat site is: www.pathogenzero.com

We have made several requests that they take down their site, as it violates the terms of our NDA

and most importantly, is illegally representing a product as safe that is potentially harmful for consumers. We said we would contact the EPA and CA DPR. But they don't care or don't believe us.

Thank you very much for taking the time to read this. We sincerely appreciate it.

Best regards,

Kevin Martin
CEO
GICC LLC
www.globalinfectioncontrol.com
www.path-away.com

Kevin Martin
CEO
GICC LLC
www.globalinfectioncontrol.com
www.path-away.com

Stauffer, Panah

From: Stauffer, Panah
Sent: Monday, June 12, 2017 3:31 PM
To: 'Bundock, Fred@CDPR'
Cc: Naef, Parissa@CDPR; Estrada, Fabiola
Subject: RE: Urgent matter, fraudulent pesticide being sold as certified organic

Hi Fred,

Thanks for the update. I understand what you are saying. Let's touch base on this during our call next week.

Panah Stauffer
Enforcement Division (ENF 3-3)
US EPA Region 9
75 Hawthorne Street
San Francisco, CA 94105
415-972-3247

From: Bundock, Fred@CDPR [<mailto:Fred.Bundock@cdpr.ca.gov>]
Sent: Monday, June 12, 2017 12:28 PM
To: Stauffer, Panah <Stauffer.Panah@epa.gov>
Cc: Naef, Parissa@CDPR <Parissa.Naef@cdpr.ca.gov>; Estrada, Fabiola <Estrada.Fabiola@epa.gov>
Subject: RE: Urgent matter, fraudulent pesticide being sold as certified organic

Hi Panah,

Yes, I received a response to our 4/21/17-dated letter by a guy named Roman Mrozek. He provided CA sales information and it is now being reviewed by our auditors. He said that he has only been selling the product for a month or two. I had several e-mails with him and I will forward you the chain after this e-mail. I gave him advice and pointed out web links to help him make his label in compliance with the minimum risk criteria, and advised checking with other states that require registration of 25(b) products, since each state can have its own registration requirements beyond what EPA requires. I haven't yet seen his revised label.

If the Pathogen Zero product label is in compliance with the minimum risk criteria, I don't think DPR as an agency can do anything about other issues like theft of intellectual property, certified organic claims, and use of the product on marijuana.

From: Stauffer, Panah [<mailto:Stauffer.Panah@epa.gov>]
Sent: Monday, June 12, 2017 11:32 AM
To: Bundock, Fred@CDPR
Cc: Naef, Parissa@CDPR; Estrada, Fabiola@EPA
Subject: FW: Urgent matter, fraudulent pesticide being sold as certified organic

Hi Fred,

We received some additional information from the PathogenZero complainant. You may have received it as well. Did you receive a response to your letter?

Thanks a lot,
Panah

Panah Stauffer
Enforcement Division (ENF 3-3)
US EPA Region 9
75 Hawthorne Street
San Francisco, CA 94105
415-972-3247

Begin forwarded message:

From: "kmartin@gicllc.com" <kmartin@gicllc.com>
To: "TROMBADORE, CLAIRE" <Trombadore.Claire@epa.gov>
Subject: Fwd: Urgent matter, fraudulent pesticide being sold as certified organic

Dear Claire

I got Kathleen Johnson's auto-reply message and wasn't sure if she was back this week. In the event that you are still taking care of things for her, please review the below email thread. If there is anything else I can do to assist you, should you take action, please let me know. Thank you.

Kevin Martin
CEO
GICC LLC
www.globalinfectioncontrol.com
www.path-away.com

----- Forwarded message from kmartin@gicllc.com -----
Date: Mon, 12 Jun 2017 13:49:08 +0000
From: kmartin@gicllc.com
Subject: Re: Urgent matter, fraudulent pesticide being sold as certified organic
To: "Johnson, Kathleen" <Johnson.Kathleen@epa.gov>

Dear Kathleen

I am reaching out again in relation to the ongoing situation you have been helping us with, re: the unregistered mystery pesticide there in CA, using literature stolen from our site to promote it. The California Department of Pesticide Regulation sent a certified letter, dated April 21st (copy attached), which was essentially a 30 day notice to provide them with XYZ. Shortly after the 30 day period, the Pathogen Zero site was actually taken down. We were not sure if that was because they accepted that letter and understood the gravity of things, or because you had made some progress on your end. Any certified letter we have sent to Mr. Prater and Pathogen Zero was returned to us so we were not sure if the same happened in this case; we thought, "It doesn't matter now, they got the message."

However, after about a week or so, the site went right back up in full defiance (www.pathogenzero.com). They also have a Twitter and Facebook page marketing and advertising it for sale. They either do not care about the legalities involved, or are purposely making themselves immune from them by avoidance.

Other than the number listed on their site to call, the only other info we can provide is a new email address they seem to be operating under: cannabspathogenkiller@gmail.com

Kathleen, I am sure someone in your position has much on your plate and this may be a bit of a nuisance, and for that I apologize. We do have plans to take legal action against them in the near future, but that would be unnecessary if your office can make contact and preemptively end it. They are, in fact, selling an unregistered pesticide fraudulently as a safe certified organic product. We know everything they are promoting is fake and they'd be unable to produce any legal documents, certifications, test results, etc. They don't have the capital to pay a single day's worth of fines. If there is anything we can do to assist you further, we would be more than happy to do so. Thank you,

Respectfully,

Kevin Martin

CEO

GICC LLC

www.globalinfectioncontrol.com

www.path-away.com

Quoting kmartin@gicllc.com:

Dear Ms. Johnson

I hope you are well. I am following up on last month's situation we spoke of to see if any progress has been made. Just today I received an email from a clinical psychologist in Florida who has a research interest in medical marijuana's use as a treatment tool. He put in an inquiry for product info to the fraudster back in Feb. but received no response until today. During that time period, he found our site, noticed the same logos, and realized there was a discrepancy. I will forward the email to you after sending this one. As you will see, this person is still moving forward with production of his unregistered mystery product cloaked in our product's certifications.

Thank you for your consideration.

Best regards,

Kevin Martin

CEO

GICC LLC

www.globalinfectioncontrol.com

Quoting "Johnson, Kathleen" <Johnson.Kathleen@epa.gov>:

Thank you Mr. Martin for this information. We will look into it.
Kathleen

Sent from my iPhone

On Apr 19, 2017, at 8:37 AM, "kmartin@giccllc.com" <kmartin@giccllc.com> wrote:

Dear Kathleen

There is an urgent matter we wish to bring to your attention, given your position at EPA Region 9. I apologize in advance for the lengthy note, but I need to give enough context to illustrate the situation properly. It is not just important for us as a business, but even more so for the general welfare of CA consumers.

We developed an all natural, organic, plant based disinfection product that we manufacture and sell for use in a variety of ways called "Path-Away." One of these ways is for use on Medical Marijuana as a plant protectant and growth enhancer. Currently, the product is off the market as we are attempting to tweak the formula. There is a person/"company" in southern California that is marketing and selling a product called Pathogen Zero for use on Medical Cannabis, and is doing so under false pretenses based on our product information he has literally stolen from our product website. We wholly own the intellectual property and manufacturing rights to the product, he has no access to it. Essentially, he created a copycat product with no laboratory data, no certifications, and no evidence that it does what he is claiming, and is selling it right now in California. The major concern is, since he has no access to our product, who knows what he is actually selling? It could be a harmful pesticide or chemical based product that he is passing off as organic and all natural, and ending up in the plants and by extension, the bodies of end users.

He is even using the logos from our organic certifications in his marketing/sales material, when we know he does not hold these, they are all in our product's name. If asked to produce laboratory data for the kill claims he is making (including for MRSA, E.coli, TB, and 150+ other pathogens) in the Pathogen Zero name, he would not be able to do so. If asked to produce the organic certification he is claiming he has in the Pathogen Zero name, he will not be able to do so; he has none of these documents posted on his product site because they do not exist (he has one partial lab document posted on his site, and it is from testing done on our product in June 2016 with all evidence of our name cropped out).

We know all of this to be true because we actually know this person.

Almost a year ago, we attempted to enter into a distribution agreement with him for our Path Away product. We had a falling out shortly after, once we found out he wanted to change the terms of the agreement, and then could not provide us with copies of a business Federal Tax ID number, liability insurance, or workers comp insurance. His company's listed address on the Pathogen Zero site is not even real, it is for an electric mountain bike store.

We understand the pending legal action we will probably take against him is not of your concern, but in your position at EPA, we feel that you must be made aware of the potential health hazards involved with this person selling an unregistered, untested, unregulated mystery product falsely claiming certified organic status, and with no actual proprietary efficacy data.

Our product website is here: www.path-away.com

The fraudulent copycat site is: www.pathogenzero.com

We have made several requests that they take down their site, as it violates the terms of our NDA and most importantly, is illegally representing a product as safe that is potentially harmful for consumers. We said we would contact the EPA and CA DPR. But they don't care or don't believe us.

Thank you very much for taking the time to read this. We sincerely appreciate it.

Best regards,

Kevin Martin
CEO
GICC LLC
www.globalinfectioncontrol.com
www.path-away.com

Kevin Martin
CEO
GICC LLC
www.globalinfectioncontrol.com
www.path-away.com

Kevin Martin
CEO
GICC LLC
www.globalinfectioncontrol.com
www.path-away.com

Kevin Martin

CEO

GICC LLC

www.globalinfectioncontrol.com

www.path-away.com

----- End forwarded message -----

Kevin Martin

CEO

GICC LLC

www.globalinfectioncontrol.com

www.path-away.com



Department of Pesticide Regulation



Brian R. Leahy
Director

Edmund G. Brown Jr.
Governor

April 21, 2017

CERTIFIED MAIL

7004 1160 0002 0466 2601

Pathogen Zero
18247 Parthenia Street #10
Northridge, California 91325

SUBJECT: REQUEST FOR CALIFORNIA PESTICIDE SALES INFORMATION

Dear Company Representative:

The California Department of Pesticide Regulation (DPR) enforces the laws and regulations governing the sale and use of pesticides in California. It has been brought to the attention of DPR's Enforcement Branch by the Colorado Department of Agriculture that Pathogen Zero is offering the following unregistered pesticide product for sale in California:

Pathogen Zero Plant Protectant and Growth Enhancer (No EPA Reg. No.)

The product is subject to registration as a pesticide with the U.S. Environmental Protection Agency (U.S. EPA) and with DPR. The product label includes the following pesticidal claims:

- "Effective against 150+ molds, mildews, fungi, bacteria, viruses..."
- "-Anti-pathogen"
- "-Bactericide"
- "-Fungicide"
- "-Anti-viral"
- "-Anti-parasitic"

There are also numerous pesticidal claims on your web site at: <www.pathogenzero.com>.

Any product that meets the definition of a pesticide under California Food and Agricultural Code (FAC) section 12753 requires DPR registration in order to be lawfully sold into or within California.

California law has exempted certain pesticide products from the requirement to obtain registration if they meet the criteria outlined in FAC section 12803 and Title 3, California Code of Regulations (3 CCR) section 6147 (Exemption of Pesticide Products). California's exemption is similar to the federal criteria but requires additional precautionary statements for specified



active ingredients. A copy of 3CCR section 6147 and U.S. EPA's "Minimum Risk Pesticides" document are attached for your review.

A minimum risk product must meet six conditions as discussed on U.S. EPA's web page "Conditions for Minimum Risk Pesticides" <<https://www.epa.gov/minimum-risk-pesticides/conditions-minimum-risk-pesticides>>. A product that meets all of these six conditions is exempted from regulation under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), i.e., the pesticide product does not need to be registered with U.S. EPA.

The matter was referred to us for investigation because Pathogen Zero is based in California and the subject product appears to not meet the criteria for exemption as a minimum risk pesticide.

Request for California Pesticide Sales Information

California's statute of limitations allows DPR to examine and take action on the last four years of sales into or within the state. DPR requests that you provide all information pertaining to the product listed above that has been sold in California for the period starting April 1, 2013, to the present.

Please contact Mr. Fred Bundock <Fred.Bundock@cdpr.ca.gov>, to obtain a formatted electronic spreadsheet that you can fill in and return by e-mail. If you return the information by U.S. mail please send the requested information to:

Department of Pesticide Regulation
Enforcement Branch
P.O. Box 4015, Mail Stop 4A
Sacramento, California 95812-4015
Attention: Mr. Fred Bundock

Please respond to this request for sales information within 30 days. After your information has been received and reviewed, you may be contacted by our Office of Legal Affairs.

Pathogen Zero
April 21, 2017
Page 3

You can find more information about the laws and regulations governing pesticide sales and use on our web site at <www.cdpr.ca.gov>. If you have any questions or need further information, please contact Mr. Fred Bundock, Program Specialist, at 916-324-4194 or <Fred.Bundock@cdpr.ca.gov>.

Sincerely,



Parissa Naef, Senior Environmental Scientist
Enforcement Branch
Department of Pesticide Regulation
916-445-6095

Attachments

cc: Chief Counsel, DPR Office of Legal Affairs
Mr. Fred Bundock, DPR Program Specialist, Enforcement Branch (INV1617-0064)

Stauffer, Panah

From: Magnan, Eric
Sent: Monday, June 12, 2017 11:24 AM
To: Berg, Elizabeth
Cc: Stauffer, Panah
Subject: RE: Urgent matter, fraudulent pesticide being sold as certified organic

I don't think we know much more than this is an unregistered product making pesticidal claims. It appears to be something being marketed for cannabis applications. The active ingredient listed is PathogenX.bio, which appears to be a proprietary name that gives us no information.

[REDACTED]

(b)(5)- deliberative process

Panah has followed up with DPR on the past complaints. She'll touch base with DPR to send along this info and to see if the company has responded to their letter. Their letter is typical of what DPR does when initiating enforcement case development.

She'll also follow up with Mr. Martin to let him know we're coordinating with DPR and that he can contact her with future concerns.

Thanks,

Eric

Eric Magnan, P.E.
Pesticides Supervisor
Enforcement Division
U.S. EPA Region 9
75 Hawthorne Street, ENF-3-3
San Francisco, CA 94105
415.947.4179
magnan.eric@epa.gov

From: Berg, Elizabeth
Sent: Monday, June 12, 2017 9:42 AM
To: Magnan, Eric <Magnan.Eric@epa.gov>
Cc: Stauffer, Panah <Stauffer.Panah@epa.gov>
Subject: RE: Urgent matter, fraudulent pesticide being sold as certified organic

What do we know about this stuff? It is advertised at \$125 for a 24 oz bottle. Not cheap.

Thanne Berg
Acting Assistant Director, Water & Pesticides Branch
Enforcement Division
US EPA Region IX
75 Hawthorne Street

San Francisco, CA 94105
(415) 972-3908
(415) 203-6104 (mobile)
berg.elizabeth@epa.gov

From: TROMBADORE, CLAIRE
Sent: Monday, June 12, 2017 8:54 AM
To: Magnan, Eric <Magnan.Eric@epa.gov>
Cc: Rodriguez, Roberto <Rodriguez.Roberto@epa.gov>; Berg, Elizabeth <Berg.Elizabeth@epa.gov>; Stauffer, Panah <Stauffer.Panah@epa.gov>
Subject: Fwd: Urgent matter, fraudulent pesticide being sold as certified organic

FYI

Claire Trombadore
Acting Deputy Director
Enforcement Division
EPA Region 9
Trombadore.claire@epa.gov
(415) 972-3013

Begin forwarded message:

From: "kmartin@giccllc.com" <kmartin@giccllc.com>
To: "TROMBADORE, CLAIRE" <Trombadore.Claire@epa.gov>
Subject: Fwd: Urgent matter, fraudulent pesticide being sold as certified organic

Dear Claire

I got Kathleen Johnson's auto-reply message and wasn't sure if she was back this week. In the event that you are still taking care of things for her, please review the below email thread. If there is anything else I can do to assist you, should you take action, please let me know. Thank you.

Kevin Martin
CEO
GICC LLC
www.globalinfectioncontrol.com
www.path-away.com

----- Forwarded message from kmartin@giccllc.com -----
Date: Mon, 12 Jun 2017 13:49:08 +0000
From: kmartin@giccllc.com
Subject: Re: Urgent matter, fraudulent pesticide being sold as certified organic
To: "Johnson, Kathleen" <Johnson.Kathleen@epa.gov>

Dear Kathleen

I am reaching out again in relation to the ongoing situation you have been helping us with, re: the unregistered mystery pesticide there in CA, using literature stolen from our site to promote it. The California Department of Pesticide Regulation sent a certified letter, dated April 21st (copy attached), which was essentially a 30 day notice to provide them with XYZ. Shortly after the 30 day period, the Pathogen Zero site was actually taken down. We were not sure if that was because they accepted that letter and understood the gravity of things, or because you had made some progress on your end. Any certified letter we have sent to Mr. Prater and Pathogen Zero was returned to us so we were not sure if the same happened in this case; we thought, "It doesn't matter now, they got the message."

However, after about a week or so, the site went right back up in full defiance (www.pathogenzero.com). They also have a Twitter and Facebook page marketing and advertising it for sale. They either do not care about the legalities involved, or are purposely making themselves immune from them by avoidance.

Other than the number listed on their site to call, the only other info we can provide is a new email address they seem to be operating under: cannabisp pathogenskiller@gmail.com

Kathleen, I am sure someone in your position has much on your plate and this may be a bit of a nuisance, and for that I apologize. We do have plans to take legal action against them in the near future, but that would be unnecessary if your office can make contact and preemptively end it. They are, in fact, selling an unregistered pesticide fraudulently as a safe certified organic product. We know everything they are promoting is fake and they'd be unable to produce any legal documents, certifications, test results, etc. They don't have the capital to pay a single day's worth of fines. If there is anything we can do to assist you further, we would be more than happy to do so. Thank you,

Respectfully,

Kevin Martin

CEO

GICC LLC

www.globalinfectioncontrol.com

www.path-away.com

Quoting kmartin@gicllc.com:

Dear Ms. Johnson

I hope you are well. I am following up on last month's situation we spoke of to see if any progress has been made. Just today I received an email from a clinical psychologist in Florida who has a research interest in medical marijuana's use as a treatment tool. He put in an inquiry for product info to the fraudster back in Feb. but received no response until today. During that time period, he found our site, noticed the same logos, and realized there was a discrepancy. I will forward the email to you after sending this one. As you will see, this person is still moving forward with production of his unregistered mystery product cloaked in our product's certifications.

Thank you for your consideration.

Best regards,

Kevin Martin

CEO

GICC LLC

www.globalinfectioncontrol.com

Quoting "Johnson, Kathleen" <Johnson.Kathleen@epa.gov>:

Thank you Mr. Martin for this information. We will look into it.
Kathleen

Sent from my iPhone

On Apr 19, 2017, at 8:37 AM, "kmartin@gicllc.com" <kmartin@gicllc.com> wrote:

Dear Kathleen

There is an urgent matter we wish to bring to your attention, given your position at EPA Region 9. I apologize in advance for the lengthy note, but I need to give enough context to illustrate the situation properly. It is not just important for us as a business, but even more so for the general welfare of CA consumers.

We developed an all natural, organic, plant based disinfection product that we manufacture and sell for use in a variety of ways called "Path-Away." One of these ways is for use on Medical Marijuana as a plant protectant and growth enhancer. Currently, the product is off the market as we are attempting to tweak the formula. There is a person/"company" in southern California that is marketing and selling a product called Pathogen Zero for use on Medical Cannabis, and is doing so under false pretenses based on our product information he has literally stolen from our product website. We wholly own the intellectual property and manufacturing rights to the product, he has no access to it. Essentially, he created a copycat product with no laboratory data, no certifications, and no evidence that it does what he is claiming, and is selling it right now in California. The major concern is, since he has no access to our product, who knows what he is actually selling? It could be a harmful pesticide or chemical based product that he is passing off as organic and all natural, and ending up in the plants and by extension, the bodies of end users.

He is even using the logos from our organic certifications in his marketing/sales material, when we know he does not hold these, they

are all in our product's name. If asked to produce laboratory data for the kill claims he is making (including for MRSA, E.coli, TB, and 150+ other pathogens) in the Pathogen Zero name, he would not be able to do so. If asked to produce the organic certification he is claiming he has in the Pathogen Zero name, he will not be able to do so; he has none of these documents posted on his product site because they do not exist (he has one partial lab document posted on his site, and it is from testing done on our product in June 2016 with all evidence of our name cropped out).

We know all of this to be true because we actually know this person. Almost a year ago, we attempted to enter into a distribution agreement with him for our Path Away product. We had a falling out shortly after, once we found out he wanted to change the terms of the agreement, and then could not provide us with copies of a business Federal Tax ID number, liability insurance, or workers comp insurance. His company's listed address on the Pathogen Zero site is not even real, it is for an electric mountain bike store.

We understand the pending legal action we will probably take against him is not of your concern, but in your position at EPA, we feel that you must be made aware of the potential health hazards involved with this person selling an unregistered, untested, unregulated mystery product falsely claiming certified organic status, and with no actual proprietary efficacy data.

Our product website is here: www.path-away.com

The fraudulent copycat site is: www.pathogenzero.com

We have made several requests that they take down their site, as it violates the terms of our NDA and most importantly, is illegally representing a product as safe that is potentially harmful for consumers. We said we would contact the EPA and CA DPR. But they don't care or don't believe us.

Thank you very much for taking the time to read this. We sincerely appreciate it.

Best regards,

Kevin Martin
CEO
GICC LLC
www.globalinfectioncontrol.com
www.path-away.com

Kevin Martin
CEO
GICC LLC
www.globalinfectioncontrol.com

www.path-away.com

Kevin Martin

CEO

GICC LLC

www.globalinfectioncontrol.com

www.path-away.com

Kevin Martin

CEO

GICC LLC

www.globalinfectioncontrol.com

www.path-away.com

----- End forwarded message -----

Kevin Martin

CEO

GICC LLC

www.globalinfectioncontrol.com

www.path-away.com

Stauffer, Panah

From: Magnan, Eric
Sent: Thursday, March 16, 2017 5:13 PM
To: Stauffer, Panah
Subject: FW: SM-90 ECR Response from OPP and Summary for States
Attachments: 17-10-2 SM-90 OPP RESPONSE.pdf; ECR Response to SM-90 issue

**(b)(5)- deliberative
process
(b)(7)(A)**

Hi Panah,

See below. I'm not aware of CA's interest in this. Can you pass along to CA?

Thanks,

Eric

Eric Magnan, P.E.
Pesticides Team Leader
Enforcement Division
U.S. EPA Region 9
75 Hawthorne Street, ENF-3-3
San Francisco, CA 94105
415.947.4179
magnan.eric@epa.gov

From: Schulze, Chad
Sent: Thursday, March 16, 2017 11:29 AM
To: Magnan, Eric
Cc: Hopkins, Yvette
Subject: SM-90 ECR Response from OPP and Summary for States

Hi Eric!

(b)(7)(A)

Please let me know if you have any questions.

Sincerely,
Chad

Chad C. Schulze
Pesticides and Toxics Unit
Office of Compliance and Enforcement
U.S. EPA Region 10 (OCE-101)
1200 6th Avenue, Suite 900
Seattle WA 98101
206-553-0505 (ph)
206-771-3058 (cell)
206-553-4743 (fax)

schulze.chad@epa.gov

<http://yosemite.epa.gov/r10/ECOCOMM.NSF/Pesticides/Pesticides+Homepage>

EPA DIVE UNIT:

<https://www.epa.gov/scientific-diving> or <https://www.epa.gov/diving>

Like us on Facebook! <http://www.facebook.com/EPADivers>